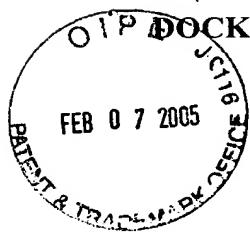


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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Smith, et al.

Application No.: 08/392,934

Confirmation No.: 9871

Filing Date: October 28, 1996

Group Art Unit: 1644

For: Immunoreactive Peptides From Epstein-Barr Virus

EXPRESS MAIL LABEL NO: EL 999293125 US
DATE OF DEPOSIT: February 7, 2005

EL 999293125 US

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.137(b)

This Request for Reconsideration of Petition under 37 CFR 1.137(b) is in response to Decision Dismissing Petition Under 37 CFR 1.137(b) mailed December 9, 2004.

A terminal disclaimer under 37 CFR 1.137(d) and disclaimer fee under 37 CFR §1.20(d) disclaiming a period equivalent to the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier-filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed, is enclosed herewith.

STATEMENT

Upon information and belief, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional.

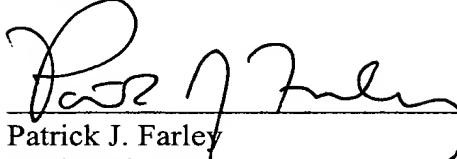
The above referenced application is a National Stage Application of International Application PCT/US93/08699, filed on September 15, 1993. A Patent Office issued a final rejection on June 28, 2001. On December 18, 2001, the Applicant filed a Request for Continued Examination (RCE) under 37 CFR 1.114. The RCE was improper because of the provisions of 37 CFR 1.114 do not apply to an international application filed under 35 U.S.C. 363 before June 8, 1995. The Patent Office mistakenly treated the improper RCE as a proper response and reopened prosecution. However, the Patent Office has informed the Applicants that the filing of the improper RCE did not toll the time period set forth in the Office Action, and thus, the application became abandoned on December 29, 2001.

Applicants submitted a Petition to Revive the abandoned application, but failed to include the Terminal Disclaimer. Applicants herein submit the required Terminal Disclaimer. Applicants request that this submission and those subsequent to the improper RCE be treated as properly responsive to the Final Office Action and resolve any issue relating to pendency with the application.

Payment of Fees

- A check in the amount of \$110.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- Please charge Deposit Account No. 23-3050 in the amount of \$_____00. This sheet is attached in duplicate.
- The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

Respectfully submitted,



Patrick J. Farley
Registration No. 42,524

Date: February 7, 2005

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